

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

The Estate of Latoya Nicole Valentine by
and through Debra Grate, Personal
Representative *et al.*,

Plaintiffs,

v.

The State of South Carolina *et al.*,

Defendants.

CA 8:19-198-JFA

NOTICE OF REMOVAL

YOU WILL PLEASE TAKE NOTICE that Defendants South Carolina Department of Health and Human Services, Joshua Baker, and Christian Soura, by and through their undersigned counsel, pursuant to 28 U.S.C. §§1331, 1367, 1441, and 1446, hereby file this Notice of Removal to the United States District Court for the District of South Carolina, Columbia Division, and state as follows:

1. This action was filed in the Court of Common Pleas, Richland County, South Carolina on November 30, 2018. Plaintiffs' Complaint seeks relief pursuant to the United States Constitution and federal statutes and authorities for violations of their rights pursuant to the United States Constitution. Specifically, Plaintiffs have alleged violations under the Americans with Disabilities Act ("ADA") and § 504 of the Rehabilitation Act. Additionally, Plaintiffs have alleged state law causes of action against all Defendants for the alleged violation of the S.C. Tort Claims Act, common law torts, fraud and misrepresentation, civil conspiracy, quantum meruit and unjust enrichment, and wrongful death and survival.

2. The Defendants accepted service of the Summons and Complaint on January 23, 2019.
3. A copy of all the Summons and Complaint and all subsequent pleadings and orders filed in this action are filed contemporaneously with this Petition pursuant to 28 U.S.C. §1446(a).
4. In making this Petition for Removal, Defendants are reserving its rights for all defenses.
5. Based on the allegations of Plaintiffs' Complaint, Defendants are informed and believe that this Court has original jurisdiction of the lawsuit, pursuant to 28 U.S.C. §1331 and that this lawsuit alleges claims arising from the laws of the United States, and 28 U.S.C. §1441 on the grounds that Plaintiff has asserted claims related to questions of federal law.
6. The Notice of Removal is being made within 30 days of delivery of the Summons and Complaint on the Defendants.
7. By virtue of the provisions of 28 U.S.C. §§1331, 1367, 1441, and 1446, this entire action is removable to this Court.

WHEREFORE, Defendants pray that this cause proceed in this Court as an action properly removed thereto.

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Columbia, South Carolina
January 23, 2019